

ORAL ARGUMENT NOT YET SCHEDULED

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

_____)	
UTILITY SOLID WASTE)	
ACTIVITIES GROUP,)	
)	
Petitioner,)	No. <u>23-1300</u>
)	
v.)	
)	
U.S. ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
Respondent.)	
_____)	

**JOINT MOTION TO
MODIFY THE BRIEFING SCHEDULE**

Petitioner Utility Solid Waste Activities Group and Respondent the United States Environmental Protection Agency (collectively, the “Parties”) jointly submit the proposed modified briefing schedule.

1. Petitioner challenges and seeks review of a final action taken by the EPA on August 29, 2023, entitled *Alternate PCB Extraction Methods and Amendments to PCB Cleanup and Disposal Regulations*, published in the Federal Register at 88 Fed. Reg. 59662.

2. On December 19, 2023, the Court entered a briefing schedule in this case. Doc. ID 2032156. The Parties respectfully request that the Court modify that briefing schedule as follows:

Event	Deadline
Petitioner's Opening Brief	February 28, 2024
Respondent's Brief	April 29, 2024
Petitioner's Reply Brief	May 20, 2024
Joint Appendix	May 28, 2024
Final Briefs	June 10, 2024

3. The circumstances described herein present compelling reasons for modifying the briefing schedule as requested by the Parties. The attorney with primary responsibility for preparing Petitioner's brief in this case is Allison Foley. Ms. Foley is scheduled for major surgery on January 16. In consideration of the preparation for and recovery from this surgery, the requested additional 30 days will provide Ms. Foley adequate time to prepare and file the brief.

4. EPA proposes a deadline for its Response Brief of April 29, 2024, or 60 days after Petitioner's Opening Brief would be due. EPA requests 60 days due to the technical nature of the issues presented and the need to coordinate with the necessary officials at EPA and the Department of Justice.

5. The Parties' proposed schedule and format will not substantially delay proceedings in this case and will not prejudice any party. There is good cause to enter the proposed briefing schedule. The Parties therefore request that the Court enter an order modifying the briefing schedule as proposed here.

Respectfully submitted,

/s/ Allison D. Foley

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Dated: January 5, 2024

CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limit of the Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 295 words.

This Motion complies with the typeface and the type style requirements of the Federal Rule of Appellate Procedure 27 because this motion has been prepared in a proportionally spaced typeface using Word 14-point Times New Roman typeface.

/s/ Allison D. Foley
Allison D. Foley

Dated: January 5, 2024

CERTIFICATE OF SERVICE

I hereby certify that I have this day, January 5, 2024, filed the foregoing to be served by the Court's CM/ECF system on all registered counsel.

*/s/ Allison D. Foley*_____

Allison D. Foley